



Entered on Docket
August 07, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

**ORDER SUSTAINING OMNIBUS
OBJECTION OF POST-EFFECTIVE
DATE USA CAPITAL DIVERSIFIED
TRUST DEED FUND, LLC, TO
CLAIMS FILED BY JAMES W.
SHAW, FIRST TRUST COMPANY
OF ONAGA, CUSTODIAN FOR
CHARLES CUNNINGHAM, SR., IRA,
DOROTHEA K. OVERLEESE
REVOCABLE TRUST, HALSETH
FAMILY TRUST, KATRINE
MIRZAIAN, ERNEST J. MOORE,
DARLENE TURNER, DONALD AND
BEVERLY SWEZEY 2001 TRUST,
AND DAVID B. KRYNZEL**

Affects:

- ☐ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA First Trust Deed Fund, LLC

Hearing Date: July 27, 2007

Hearing Time: 9:30 a.m.

Courtroom: 1

The Court, having considered the Omnibus Objection of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC, To Claims Filed By James W. Shaw, First Trust Company Of Onaga, Custodian For Charles Cunningham, Sr., IRA, Dorothea K. Overleese Revocable Trust, Halseth Family Trust, Katrine Mirzaian, Ernest J. Moore, Darlene Turner, Donald and Beverly Swezey 2001 Trust, and David B. Krynzel (the "Objection"), the Response filed by Donald and Beverly Swezey, Trustees of the Donald Swezey and Beverly W. Swezey 2001 Trust, and Diversified's subsequent Reply; having reviewed the pleadings, papers and records on file in this action; and having considered the representations of counsel, Anne M. Loraditch, of the law firm of Beckley Singleton, Chtd., appearing on behalf of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC ("Diversified"); with no other appearances being noted on the record; appropriate notice of the Objection having been given; and for good cause appearing:

IT IS HEREBY ORDERED that the Objection is sustained.

IT IS FURTHER ORDERED that the claims listed on Exhibit 1, attached hereto and made a part hereof, shall be disallowed in their entirety, and the claimants shall not be entitled to any distribution from USA Capital Diversified Trust Deed Fund, LLC, with respect to such claims.

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1 PREPARED AND RESPECTFULLY SUBMITTED BY:

2 **BECKLEY SINGLETON, CHTD.**

3 By /s/ Anne M. Loraditch

4 BOB L. OLSON, ESQ.

5 Nevada Bar No. 3859

6 ANNE M. LORADITCH, ESQ.

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10 and

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16 *Attorneys for Post-Effective Date USA Capital*

17 *Diversified Trust Deed Fund, LLC*

18 **APPROVED**/DISAPPROVED:

19 **DONALD SWEZEY AND BEVERLY W. SWEZEY 2001 TRUST**

20 By /s/ Donald Swezey, Beverly Swezey

21 DONALD SWEZEY, TRUSTEE

22 BEVERLY W. SWEZEY, TRUSTEE

23 3666 Cherokee Drive

24 Carson City, Nevada 89705

25 **APPROVED**/DISAPPROVED:

26 **OFFICE OF THE UNITED STATES TRUSTEE**

27 By /s/ August B. Landis

28 AUGUST B. LANDIS

300 Las Vegas Boulevard, Suite 4300

Las Vegas, Nevada 89101

RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
- ☒ approved the form of this order; and/or
 - ☐ waived the right to review the order; and/or
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
n/a
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

BECKLEY SINGLETON, CHARTERED

By: /s/ Anne M. Loraditch
Anne M. Loraditch (Nevada Bar No. 8164)
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EXHIBIT 1

Claim No.	Claimant	Claim Amount
138	James W. Shaw	\$26,432.00
139	First Trust Company of Onaga, Custodian for Charles Cunningham, Sr., IRA	\$72,070.98
140	Dorothea K. Overleese Revocable Trust	\$100,000.00
141	Daniel R. Halseth & Sandra K. Halseth, TTEES of the Halseth Family Trust Totally Restated 4/21/00	\$Unknown
142	Katrine Mirzaian	\$344,011.56
143	Ernest J. Moore	\$48,047.32
144	Darlene Turner	\$24,023.66
145	Donald Swezey and Beverly W. Swezey 2001 Trust	\$48,465.59
146	David B. Krynzel	\$147,081.54
147	David B. Krynzel	\$147,081.54

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